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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 TINA M. EQUELS,

11 Plaintiff,

No. CIV S-04-1567 FCD KJM P

12 vs.

13 CALIFORNIA DEPARTMENT OF
14 CORRECTIONS, et al.,

15 Defendants.

FINDINGS & RECOMMENDATIONS

16 By order filed August 5, 2004, plaintiff was given leave to file an amended civil
17 action and application to proceed in forma pauperis or pay the application filing fee. Plaintiff has
18 not responded to the court's order.

19 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed
20 without prejudice. See Local Rule 11-110; Fed. R. Civ. P. 41(b).

21 These findings and recommendations are submitted to the United States District
22 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty
23 days after being served with these findings and recommendations, plaintiff may file written
24 objections with the court. The document should be captioned "Objections to Magistrate Judge's
25 Findings and Recommendations." Plaintiff is advised that failure to file objections within the

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1 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
2 F.2d 1153 (9th Cir. 1991).

3 DATED: June 29, 2005.

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6 UNITED STATES MAGISTRATE JUDGE
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